

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Annie M. Hester,

Plaintiff,

v.

Case No. 11-11781
Honorable Sean F. Cox

Commissioner of Social Security,

Defendant.

ORDER
ADOPTING, IN PART, REPORT & RECOMMENDATION

Plaintiff brought this action seeking judicial review of the Commissioner's decision denying her applications for benefits. Thereafter, the matter was referred to Magistrate Judge Mona Majzoub for determination of all non-dispositive motions pursuant to 28 U.S.C. § 636(b)(1) and Report and Recommendation pursuant to § 636(b)(1)(B) and (C).

Thereafter, the Commissioner filed a Motion to Dismiss. In a Report and Recommendation ("R&R") issued on June 13, 2012, Magistrate Judge Majzoub recommended that this Court grant the Commissioner's Motion to Dismiss and dismiss this action. (Docket Entry No. 16). Her R&R further recommends that this Court: 1) order that Plaintiff must include a reference to Judge Ludington's September 2, 2009 pre-filing order on the first page of any future complaint she files against the Commissioner; 2) order that the Clerk of the Court be directed not to file any complaint against the Commissioner that has not been approved in accordance with the September 2, 2009 order; and 3) order that the Clerk of the Court shall

dismiss any complaints that Plaintiff files in violation of the September 2, 2009 Order.

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. “The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge’s disposition to which specific written objection has been made.” *Id.*

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed objections to the R&R.

The Court hereby ADOPTS the portion of the June 13, 2012 R&R that recommends that the Commissioner’s Motion to Dismiss be granted and this action dismissed. The Court further ADOPTS the recommendation that this Court order Plaintiff to include a reference to Judge Ludington’s September 2, 2009 pre-filing order on the first page of any future complaint she files against the Commissioner.

After consultation with the Clerk’s Office, however, the Court REJECTS the recommendations that this Court order that the Clerk of the Court be directed not to file any complaint against the Commissioner that has not been approved in accordance with the September 2, 2009 order and that it order that the Clerk of the Court to dismiss any complaints that Plaintiff files in violation of the September 2, 2009 Order.

Accordingly, IT IS ORDERED that the Commissioner’s Motion to Dismiss is GRANTED and this action shall be DISMISSED.

IT IS FURTHER ORDERED that Plaintiff is ORDERED to include a reference to Judge Ludington’s September 2, 2009 pre-filing order on the first page of any future complaint she

files against the Commissioner.

IT IS SO ORDERED.

Dated: July 17, 2012

S/ Sean F. Cox
Sean F. Cox
U. S. District Court Judge

I hereby certify that on July 17, 2012, the foregoing document was served upon counsel of record by electronic means and upon Annie M. Hester by First Class Mail at the address below:

Annie M Hester
64 Menlo Park
Bellville, MI 48111

Dated: July 17, 2012

S/ Jennifer Hernandez
Case Manager